

FILED 08 SEP 18 13:29 USDC-OR

1 Lisa Johnston-Porter, OSB No. 02503
lporter@carr-schwartz.com
2 **JOHNSTON PORTER LAW OFFICE**
16200 SW PACIFIC HWY, Suite H233
3 Tigard, Oregon 97224
TELEPHONE: (503) 635-5244
4 FAX: (503) 296-2632
Of attorneys for Plaintiff

5
6
7
8
9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF OREGON**

12 EVARISTO TIXTA,

13 Plaintiff,

14 vs.

15 BANK OF AMERICA CORPORATION, a
16 foreign corporation; NCO FINANCIAL
SYSTEMS, INC, a foreign corporation,
17 COLLECTCORP CORPORATION, a foreign
corporation; a NATIONAL ENTERPRISE
18 SYSTEMS, INC., a foreign corporation,

19 Defendants.

20 Plaintiff, by and through his attorneys Johnston Porter Law Office, hereby alleges:

21 **PARTIES**

22 1.

23 Plaintiff is an individual residing in Jackson County, Oregon.

2.

Upon information and belief, at all times mentioned herein, Defendant Bank of America Corporation . ("BofA"), is a Delaware corporation that is registered under such business name in the State of Oregon.

3.

Upon information and belief, at all times mentioned herein, Defendant NCO Financial Systems, Inc. ("NCO"), is a Pennsylvania corporation authorized to do business in the State of Oregon as a debt collector.

4.

Upon information and belief, at all times mentioned herein, Defendant Collectcorp Corporation ("CCC"), is an Arizona corporation authorized to do business in the State of Oregon as a debt collector.

5.

Upon information and belief, at all times mentioned herein, Defendant National Enterprise Systems, Inc. ("NES"), is an Ohio Corporation authorized to do business in the State of Oregon as a debt collector.

GENERAL ALLEGATIONS

6.

For an unverified period of time, Plaintiff held a credit card issued by Bank of America, Account no. 4870430100952611.

////

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1 7.

2 On or about December 19, 2007 Defendant, BofA, through its agent, NCO, contacted
3 Plaintiff at his place of employment in attempts to collect a debt in the approximate amount of
4 \$6,300.

5 8.

6 On or about December 26, 2006, Plaintiff's attorneys sent a letter of representation to
7 NCO, requesting verification of the debt, and demanded NCO cease and desist from contacting
8 Plaintiff at his place of employment, and requested that all contact and communications be sent
9 to Plaintiff's attorneys. (See Exhibit A)

10 9.

11 On or about January 4, 2008, NCO contacted Plaintiff at his place of employment and
12 harassed Plaintiff to pay the debt of BofA.

13 10.

14 On or about January 8, 2008, Plaintiff's attorneys again sent a letter of representation to
15 NCO, requesting verification of the debt, and demanded NCO cease and desist from contacting
16 Plaintiff at his place of employment, and requested that all contact and communications be sent
17 to Plaintiff's attorneys. (See Exhibit B). NCO never sent verification of the debt to Plaintiff's
18 attorneys.

19 11.

20 Despite prior cease and desist letters, on or about May 8, 2008 Defendant, BofA, through
21 its agent, CCC, contacted Plaintiff at his place of employment in attempts to collect a debt in the
22 approximate amount of \$6,300.

23 ///

12.

Despite prior cease and desist letters, on or about May 20, 2008, CCC sent Plaintiff directly, a collection notice of the debt on the account of BofA. (See Exhibit C)

13.

Despite prior cease and desist letters, on or about May 26, 2008 CCC, contacted Plaintiff in an abusive and threatening manner, at his place of employment demanding that he pay the debt of BofA. Plaintiff insisted that CCC not call him at work and to talk with his attorneys. CCC representative told Plaintiff that they did not care that he had counsel.

14.

Despite prior cease and desist letters, on or about May 29, CCC again contacted Plaintiff in an abusive and threatening manner, at his place of employment demanding that he pay the debt of BofA. Plaintiff insisted that CCC not call him at work and to talk with his attorneys. CCC representative told Plaintiff that they did not care that he had counsel. Calls continued on at least a weekly basis whereby Plaintiff or his employer would tell CCC that Plaintiff was not to receive calls at his place of employment.

15.

Despite prior cease and desist letters, on or about August 6, 2008, Defendant BofA, through its agent, NES, sent Plaintiff directly, a collection notice of the debt on the account of BofA. (See Exhibit D)

16.

Despite prior pleas to cease and desist contact at Plaintiff's place of employment and referral to Plaintiff's attorneys, NES contacted Plaintiff on August 7, 2008, and told him that Plaintiff needed to give them his bank account number or they would have him arrested and

1 thrown in jail. Shortly thereafter, Plaintiff received a call at his place of employment from NES
2 stating that they were from the "Jackson County Sheriff's Department" and were going to arrest
3 him in 30 minutes if he did not provide his bank account number to the collection company in
4 collection of the BofA debt.

5 17.

6 On August 12, 2008, Plaintiff's attorneys sent a letter of representation to CCC,
7 requesting verification of the debt, and demanding CCC cease and desist from contacting
8 Plaintiff at his place of employment, and requested that all contact and communications be sent
9 to Plaintiff's attorneys. (See Exhibit E). CCC never sent verification of the debt to Plaintiff's
10 attorneys.

11 18.

12 Despite prior pleas to cease and desist, threatening calls continued to Plaintiff at his place
13 of employment at least 2 or more times per week. On August 21, 2008, NES contacted Plaintiff
14 at this place of employment, threatening legal action if Plaintiff did not pay at least one-half of
15 the debt to BofA. Plaintiff referred the debt collector to his attorneys.

16 19.

17 Despite prior pleas to cease and desist, threatening calls continued to Plaintiff at his place
18 of employment at least 2 or more times per week. On August 21, 2008, NES contacted Plaintiff
19 at this place of employment, threatening legal action if Plaintiff did not pay at least one-half of
20 the debt to BofA. Plaintiff referred the debt collector to his attorneys.

21 20.

22 Despite prior pleas to cease and desist, threatening calls continued to Plaintiff at his place
23 of employment. On August 27, 2008, NES contacted Plaintiff at this place of employment,

1 threatening legal action or threats to put him in jail, if Plaintiff did not pay the full amount of the
2 debt allegedly owed to BofA. Plaintiff again referred the debt collector to his attorneys, but was
3 told that it did not matter that Plaintiff had counsel, and they would not discuss the matter with
4 his attorneys.

5 21.

6 A day later, on August 28, 2008, NES again contacted Plaintiff at his place of
7 employment. The debt collector got into an argument and used foul language to Plaintiff's
8 employer. Plaintiff was reprimanded by his employer for receiving so many calls from BofA
9 debt collectors, and employer threatened Plaintiff that he may lose his job over the debt
10 collection calls.

11 22.

12 On August 28, 2008, Plaintiff's local attorney faxed a cease and desist letter to NES,
13 requesting validation of the debt and insisting that all communications be made through her
14 office. (Exhibit F). To date, Plaintiff's attorney has not received validation of the debt from
15 NES or BofA.

16 **FIRST CAUSE OF ACTION**
17 (Unlawful Debt Collection Practices under 15 U.S.C. 1692 et. Seq.)
18 **AGAINST NCO, CCC & NES**
19 23.

20 Plaintiffs realleges paragraphs 1 -22 as if fully set forth herein.

21 24.

22 Defendants committed unlawful debt collection practices by:

- 23 (a) contacting Plaintiff, knowing that he was represented by an attorney, and
24 knew of the attorney's name, address, and contact information;
25

- 1 (b) by falsely representing the legal status of the debt;
- 2 (c) by falsely representing any services rendered or compensation which may be
- 3 lawfully received by any debt collector for the collection of a debt
- 4 (d) by falsely representing that nonpayment of any debt will result in the seizure,
- 5 garnishment, attachment, or sale of any property of Plaintiff when such action
- 6 is not lawful and the Defendant could not nor did not intend to take such
- 7 action;
- 8 (e) By threatening to take action that cannot legally be taken or that was not
- 9 intended to be taken.
- 10 (f) By failing to verify its debt pursuant to 15 USC 1692g.

11 25.

12 Such conduct was willful with natural consequence of which was to harass, oppress, or

13 abuse Plaintiff in connection with the collection of a debt. As a result of Defendant's conduct,

14 Plaintiff economic damages in the amount of a minimum of \$6,500. Plaintiff is also entitled to

15 his attorneys fees, penalties as authorized in 16 USC 1692k(a) and punitive damages as

16 appropriate.

17 **SECOND CLAIM FOR RELIEF**

18 **Against All Defendants**

19 (Unlawful Debt Collection Practices – ORS 646.639 et. seq.)

20 26.

21 Incorporates by reference paragraphs 1-25.

22

23

27.

Defendants committed unlawful debt collection practices by:

- (a) Threaten arrest or criminal prosecution.
- (b) Use profane, obscene or abusive language in communicating with a debtor or the debtor's family.
- (c) Communicate with the debtor or any member of the debtor's family repeatedly or continuously or at times known to be inconvenient to that person with intent to harass or annoy the debtor or any member of the debtor's family particularly knowing that the debtor was represented by an attorney and had received multiple cease and desist letters from the debtor's attorneys.
- (d) Communicate or threaten to communicate with a debtor's employer concerning the nature or existence of the debt.
- (e) Communicate without the debtor's permission or threaten to communicate with the debtor at the debtor's place of employment if the place is other than the debtor's residence knowing had reason to know that the debtor's employer prohibits the debtor from receiving such communication.:
- (f) Attempt to or threaten to enforce a right or remedy with knowledge or reason to know that the right or remedy does not exist, or threaten to take any action which the debt collector in the regular course of business does not take.
- (g) Use any form of communication which simulates legal or judicial process or which gives the appearance of being authorized, issued or approved by a governmental agency, governmental official or an attorney at law when it is not in fact so approved or authorized.

28.

Such conduct was willful with natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of a debt. As a result of Defendant's conduct, Plaintiff has suffered economic damages in the amount of minimum of \$6,500. Plaintiff is also entitled to his attorneys fees, penalties as set forth in ORS 646.641 and punitive damages as appropriate.

FOURTH CAUSE OF ACTION

FOURTH CLAIM FOR RELIEF CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress)

AGAINST BANK OF AMERICA

29.

Plaintiffs re-allege paragraphs 1-28 above as if fully set forth herein.

30.

BofA has intentionally and willfully caused infliction of severe emotional distress upon Plaintiff:

(a). By failing to adhere to the standards of the Unfair Debt Collection Practices Acts , and Unfair Trade Practice Act, 15 USC 45(a); 15 USC 1692 et. seq., and ORS 646.639 et. seq.;

(b) By affirmatively permit a third-party debt collector, acting on their behalf, to engage in threatening, intimidating and hostile behavior at Plaintiff's place of employment in the collection of monies due after repeated requests to cease and desist;

1 (c) By retaining multiple debt collectors to repeatedly harass Plaintiff at his place of
2 employment in order to avoid the standards of the Unfair Debt Collection Practices Act
3 imposed upon BofA's agent debt collectors.

4 31.

5 BofA's intentional infliction of emotional distress was a substantial cause of plaintiffs
6 damages as the natural consequence of which was to deceive, harass, oppress, or abuse Plaintiff
7 in connection with the collection of a debt in violation of 15 U.S.C. § 1692 et seq. As a result of
8 Defendant's conduct, Plaintiff has economic damages in an amount in a minimum of \$6,500.
9 Plaintiff is also entitled to punitive damages and attorneys fees as appropriate.

10 32.

11 Such conduct was willful with natural consequence of which was to cause severe emotional
12 distress to Plaintiff in connection with the collection of a debt. As a result of Defendant's
13 conduct, Plaintiff has suffered non-economic damages in the amount of \$750,000, plus punitive
14 damages as appropriate.

15
16 WHEREFORE, Plaintiff prays for judgment against Defendants for the following relief:

17 A. For plaintiffs' FIRST claim for relief for Unlawful Debt Collection Practices
18 under 15 USC 1692k;

- 19 i. Plaintiff alleges economic damages in the minimum amount of
20 \$6,500;
21 ii. Plaintiff entitled to payment of its attorney fees and penalties for
22 each violation of the Act under 15 USC 1692k(a);
23

1 B. For plaintiffs' SECOND claim for relief for Unlawful Debt Collection Practices
2 under ORS 646.639;

3 i. Plaintiff alleges economic damages in the minimum amount of
4 \$6,500;

5 ii. Plaintiff entitled to payment of its attorney fees and penalties for
6 each violation of the Act under ORS 646.641;

7 C. For plaintiffs' THIRD claim for relief for intentional infliction of emotional
8 distress,

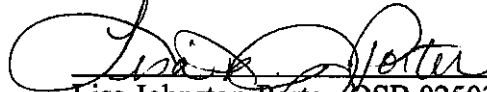
9 i. Plaintiff alleges non-economic damages for emotional distress in the
10 amount of \$750,000;

11 ii. Plaintiffs allege punitive damages as appropriate

12 D. Any other relief which the Court deems just and appropriate, including
13 penalties as set forth by statutes as stated in Plaintiff's complaint above.

14 DATED this 16th day of September 2008.

15 JOHNSTON PORTER LAW OFFICE

16 
17 Lisa Johnston-Porter, OSB 02503
Of Attorneys for Plaintiff

The Palmer Firm, P.C.

P.O. Box 1700
Rancho Cucamonga, CA 91729-1700

December 26, 2007

NCO Financial Systems Inc
507 Prudential Road
Horsham, PA 19044

RE: Evaristo Tixta
Account Number: 4870430100952611 - Reference No.: 4888890011754291

To Whom it May Concern:

This law firm represents the above referenced consumer. Based on the information provided, our client disputes the claim and requests verification of the alleged debt. Verification should include all documents evidencing the debt including, but not limited to: any document signed by our client with respect to the debt such as contracts, notes leases, or other written agreements, each invoice or transaction record and any other loan documents; ledgers; or, other documents reflecting all consideration, payments, offsets and credits. Further, request is made for all documents that will demonstrate when this debt was first due or that it is not barred by the statute of limitations.

Unless you have initiated litigation against our client by the filing of a lawsuit, demand is made that you immediately cease all attempts to contact our client by letter or by phone, at home or at our client's place of employment. Should you wish to discuss this alleged debt you may do so, once the requested documentation has been delivered, by contacting the undersigned at the above mailing address. We request that all communication regarding this matter be conducted in writing. This letter is not to be construed as a formal appearance in any litigated matter.

Very truly yours,



Robert Palmer
The Palmer Firm, P.C.

EXHIBIT A
PAGE 1 OF 1

**A National Network of Consumer
Attorney Law Firms***

MAILING ADDRESS:

The Palmer Firm, P.C.
P.O. Box 1700
Rancho Cucamonga, CA 91729-1700

PHONE NUMBER:

(909) 581-7494

HOURS:

Monday thru Friday 7:00
am to 6:00 pm PST

ROBERT PALMER (TX)

GREGORY M. FITZGERALD (CA)

ASSOCIATED ATTORNEYS:

COLLEEN LIBBY (AK)
ANDERSON NELMS (AL)
MATT HENRY (AR)
ARTHUR ALLSWORTH (AZ)
TIMOTHY G. MCFARLIN (CA)
JONATHAN HAGN (CO)
MARK KRATTER (CT)
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SAM BRANTLEY (GA)
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PATRICK LANE (WV)
HAMPTON M. YOUNG (WY)

*National network is association of
attorneys and law firms.

The Palmer Firm, P.C.

P.O. Box 1700
Rancho Cucamonga, CA 91729-1700

January 08, 2008

Bank of America
P.O. Box 15026
Wilmington, DE 19850

RE: Evaristo Tixta
Account Number: 4870430100952611

To Whom it May Concern:

This law firm represents the above referenced consumer. Based on the information provided, our client disputes the claim and requests verification of the alleged debt. Verification should include all documents evidencing the debt including, but not limited to: any document signed by our client with respect to the debt such as contracts, notes leases, or other written agreements, each invoice or transaction record and any other loan documents; ledgers; or, other documents reflecting all consideration, payments, offsets and credits. Further, request is made for all documents that will demonstrate when this debt was first due or that it is not barred by the statute of limitations.

Unless you have initiated litigation against our client by the filing of a lawsuit, demand is made that you immediately cease all attempts to contact our client by letter or by phone, at home or at our client's place of employment. Should you wish to discuss this alleged debt you may do so, once the requested documentation has been delivered, by contacting the undersigned at the above mailing address. We request that all communication regarding this matter be conducted in writing. This letter is not to be construed as a formal appearance in any litigated matter.

Very truly yours,



Robert Palmer
The Palmer Firm, P.C.

EXHIBIT B
PAGE 1 OF 1

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MAILING ADDRESS:

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HAMPTON M. YOUNG (WY)

*National network is association of
attorneys and law firms.

P.O. BOX 100/89
Birmingham, AL 35210-0789

71-073289121UA050808

RECEIVED
MAY 20 2008

COLLECTCORP

800-678-3052

Our hours of operation are
Mon - Thu 8:00am to 11:00pm EST
Fri, 8:00am to 5:00pm and Sat 8:00am to 2:00pm EST

27 - 14136-08
Evanisto F Tixto
PO Box 2152
White City, OR 97503-0152

07429

Date: May 08, 2008
Reference #: BAM 71-073289121
Client Name: Bank Of America - Pre Prime
Ac72
Account #: 4888890999929709
Amount Owing: \$6,390.58

Dear Sir/Mme.,

Your account has been placed with Collectcorp Corporation, a collection agency. This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days after receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Should you have any questions concerning your payment or your account, please telephone our office. Please make sure that your payment clearly identifies your name and that of your creditor so that payment can be properly applied to your account. All payments mailed to this office should be payable to Collectcorp Corporation.

MR. CLEMENTS
(800) 243-7167

Please Detach and Return This Portion with Payment

Evanisto F Tixto
PO Box 2152
White City, OR 97503-0152



COLLECTCORP CORPORATION
455 North 3rd Street, Suite 260
Phoenix, AZ 85004-3924



UA0304

May 20 2008 09:42AM PT

541647401

Pre-Authorized — Auto Pay []

Routing No. _____
Name of Bank _____
Check No. _____
Account No. _____
Name of Account Holder _____
Signature _____
Payment Amount \$ _____

Reference #: BAM 71-073289121
Company: Collectcorp Corporation (Loc. 71)

By mailing your check you authorize Collectcorp to debit your account, one time for the amount of the check, via an electronic funds transfer (EFT). Funds may be withdrawn from your account as soon as the same day payment is received. In the event your check is returned unpaid for insufficient or uncollected funds, we may re-present your check. Your check will not be returned by your financial institution.

FROM :
PRX NO. :

EXHIBIT C
PAGE 1 OF 2

The Palmer Firm, P.C.

P.O. Box 1700
Rancho Cucamonga, CA 91729-1700

May 22, 2008

Collectcorp
P.O. Box 100789
Birmingham, AL 35210

RE: Evaristo Tixta
Account #: 4888890999929709
- Ref #(71073289121)
To Whom It May Concern:

This law firm represents the above referenced consumer. Based on the information provided, our client disputes the claim and requests verification of the alleged debt. Verification should include all documents evidencing the debt including, but not limited to: any document signed by our client with respect to the debt such as contracts, notes leases, or other written agreements, each invoice or transaction record and any other loan documents; ledgers; or, other documents reflecting all consideration, payments, offsets and credits. Further, request is made for all documents that will demonstrate when this debt was first due or that it is not barred by the statute of limitations.

Unless you have initiated litigation against our client by the filing of a lawsuit, demand is made that you immediately cease all attempts to contact our client by letter or by phone, at home or at our client's place of employment. Should you wish to discuss this alleged debt you may do so, once the requested documentation has been delivered, by contacting the undersigned at the above mailing address. We request that all communication regarding this matter be conducted in writing. This letter is not to be construed as a formal appearance in any litigated matter.

Very truly yours,



Robert Palmer
The Palmer Firm, P.C.

EXHIBIT C
PAGE 2 OF 2

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RONALD L. REICH (CA)

JEFFREY A. SUTTON (KS,MO)

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HAMPTON M. YOUNG (WY)

*National network is an association
of attorneys and law firms.

NATIONAL ENTERPRISE SYSTEMS
29125 Solon Road • Solon, OH 44139-3442

August 6, 2008

Evanisto F Tixto 00223339-6138
PO Box 1700
PO Box 2152
White City OR 97503-0152

RE: BANK OF AMERICA
Client ID: 4888890999929709
For:
Date of Referral: 08/06/08
Date of Service: 09/20/07
Please contact: (800) 493-0082
Total Amount Due: \$6,390.58

This account has been listed with our office for collection. This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

As of the date of this letter, you owe the above referenced balance. Because of interest charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing the check for collection. For further information, write this office or call the above referenced number.

<u>Client</u>	<u>Account #</u>	<u>Amount</u>
BANK OF AMERICA	00223339	\$6,390.58
Total Amount Due:		\$6,390.58

You can now pay by automated phone system at (800) 238-0868 or on the internet at www.nesi.paymybill.com. Just enter your account number 00223339. Transaction fees will be charged if you use the automated phone system or the internet to make payment on this account. You are not required to use the automated phone system or the internet to make payment on this account. If you make payment on this account by check, the face amount of the check may be presented to your bank by paper draft or electronically as permitted by law.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

67DAKS1638701

PLEASE COMPLETE AND RETURN THE FORM BELOW WITH YOUR PAYMENT.



DAKS1638
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

Daytime Phone: () - -

Evening Phone: () - -

☐ Enclosed is Payment in Full

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Please forward all payments and correspondence to:
NATIONAL ENTERPRISE SYSTEMS
29125 Solon Road
Solon OH 44139-3442

#BWNHRMD 0470292 049127731
#0806 1951 0043 8203# -701

PERSONAL & CONFIDENTIAL
Evanisto F Tixto
PO Box 1700
PO Box 2152
White City OR 97503-0152

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August 6, 2008 00223339 ZS
Client ID: 4888890999929709
Amount Due: \$6,390.58 Amt Paid \$

California Residents:

The state Rosenthal Fair Debt Collection Practices Act and the Federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-Help or www.ftc.gov. Nonprofit credit counseling services may be available in the area.

Colorado Residents:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM.

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

Maine Residents:

Office Hours: M-Th 8:00 AM – 9:00 PM EST, Fri 8:00 AM – 5:00 PM EST, Sat 8:00 AM – 12:00 noon EST.

Massachusetts Residents:

Office Hours: M-Th 8:00 AM – 9:00 PM EST, Fri 8:00 AM – 5:00 PM EST, Sat 8:00 AM – 12:00 noon EST.
Massachusetts Address: 15 Union Street, Lawrence, MA 01840.

NOTICE OF IMPORTANT RIGHTS: YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTOR.

Minnesota Residents:

This collection agency is licensed by the Minnesota Department of Commerce.

New York City Residents:

New York City Department of Consumer Affairs License Number: 1129025

North Carolina Residents:

North Carolina Permit Number: 101691

Tennessee Residents:

This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

Wisconsin Residents:

This collection agency is licensed by the Office of the Administrator of the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707.

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The Palmer Firm, P.C.

P.O. Box 1700
Rancho Cucamonga, CA 91729-1700

August 12, 2008

Collectcorp
P.O. Box 100789
Birmingham, AL 35210

RE : Evaristo Tixta
- Reference No.: 4888890999929709

Dear Collector,

On 05/22/2008 our firm sent to your address a Notice of Representation. This letter included a demand that your organization "cease and desist" communication with our client. On 08/07/2008 persons from your organization contacted our client in direct violation of 15 U.S.C. §1692c(a)(2) and §1692c(c).

The above considered, we demand \$1,000.00 pursuant to 15 U.S.C. §1692k. Furthermore, to avoid litigation of this violation, we demand a full release and satisfaction of the debt which prompted your communication with our client.

If you have any additional question in regard to this matter, please call 1(909)581-7354 and speak with Gregory Fitzgerald for further assistance. Please make your check payable to The Palmer Firm, P.C. with reference to the above client name and file number. Your settlement must be mailed to:

The Palmer Firm, P.C.
Attn: Robert Palmer
P.O. Box 1700
Rancho Cucamonga, CA 91729-1700

Your anticipated cooperation in this regard is greatly appreciated.

Very truly yours,



Robert Palmer
The Palmer Firm, P.C.

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A National Network of Consumer
Attorney Law Firms*

MAILING ADDRESS:

The Palmer Firm, P.C.
P.O. Box 1700
Rancho Cucamonga, CA 91729-1700

PHONE NUMBER:

(909) 581-7494

HOURS:

Monday thru Friday 7:00
am to 6:00 pm PST

ROBERT PALMER (TX)
MIRUNA MIHAL (CA)
ROBERT FITZGERALD (TX)
RONALD L. REICH (CA)
JEFFREY A. SUTTON (KS,MO)

ASSOCIATED ATTORNEYS:

COLLEEN LIBBY (AK)
ANDERSON NELMS (AL)
MATT HENRY (AR)
ARTHUR ALLSWORTH (AZ)
GREGORY M. FITZGERALD (CA)
JONATHAN HAGN (CO)
MARK KRATTER (CT)
MATTHEW M. CARRUCI (DE)
CARL D BERRY (FL)
SAM BRANTLEY (GA)
COLIN K. KURATA (HI)
GREG MCCONVILLE (IA)
WEBB T. MOULTON (ID)
KEVIN E. STROUD II (IL)
JOHN L. STEWART (IN)
AMY HUTCHENS (KS,MO)
JENNIFER F. ZEIGLER (KY)
REE J. CASEY (LA)
JOCELYN A. THOMSEN (MA)
TERRANCE J. SHANAHAN (MD)
J. DANIEL HOFFMAN (ME)
WILLIAM H. CANNON (MI)
MATTHEW S. KROHN (MN)
GARY EASTMAN (MO,KS)
TOM DEFER (MS)
HELGE NABER (MT)
RUBEN FERNANDEZ (NC)
BRENDAN R. TUPA (ND,MN)
JEFF PALZER (NE)
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LARRY LESHIN (NM)
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CHRISTIAN HARDESTY (OH)
MARTY D. MARTIN (OK)
LISA JOHNSTON-PORTER (OR,WA)
JASON RETTIG (PA)
PAUL GERARD MANNING JR. (RI)
PETER H. ROSENTHAL (SC)
JASON RAVNSBORG (SD,IA)
M. SEAN COLLINS (TN)
KIMBERLY SOARD (TX,FL)
GREGORY J. ADAMS (UT)
MICHAEL O. WELLS (VA)
THOMAS NIKSA (VT)
CHRISTINE LATTI (WA)
SHERRY M. TERRELL-WEBB (WI)
LISA A. GREEN (WV)
HAMPTON M. YOUNG (WY)

*National network is an association
of attorneys and law firms.

JOHNSTON PORTER LAW OFFICE

Attorneys at Law

In Association with Carr Schwartz Butterfield, LLC

Lisa Johnston-Porter
Admitted in Oregon and Washington

16200 SW Pacific Hwy, Suite H-233
Tigard, OR 97223
Tel: 503.957.6891
Fax:: 503-296-2632

August 28, 2008

National Enterprise Systems
29125 Solon Rd.
Solon, OH, 44139-3442

Via Fax (440) 542-1380

Re: Your Client: Bank of America
Debtor: Everisto Tixta
Account No. 00223339

To Whom it May Concern:

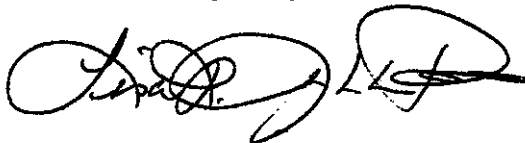
CEASE AND DESIST

I represent Mr. Everisto Tixta regarding the alleged debt pertaining to the above account, and with regard to his rights, claims and remedies relating to the collection of this matter by your company. Further, please provide all documentation of validation of this debt to me at your earliest convenience, including a copy of the original contract.

Apparently, Mr. Tixta has been repeatedly harassed by your office at his place of employment, despite many attempts by himself and his attorneys to stop. I demand that you cease and desist all communications with Mr. Tixta, his family members, and employer, and direct all further correspondence or communications regarding this matter to my office. At this time, until further investigation, Mr. Tixta is disputing this debt and will report this dispute to the credit bureaus.

If you have any questions regarding this matter, please contact me.

Very Truly Yours,



Lisa R.J. Porter

Cc: Everisto Tixta

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